

United States District Court
DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

v.

SANDRO CHAPA-CABRERA

CRIMINAL COMPLAINT

CASE NUMBER:

(Name and Address of Defendant)

04-1822-CBS

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 14, 2002 in Worcester county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense) use a social security number, assigned on the basis of false information to apply for and to obtain a Massachusetts driver's license

in violation of Title 42 United States Code, Section(s) 408 (a)(7)(B)

I further state that I am a(n) Special Agent SSA and that this complaint is based on the following facts:

See affidavit of Special Agent Vance Ely attached hereto.

Continued on the attached sheet and made a part hereof:

Yes

| No

Vance Ely, S/A SSA

Sworn to before me and subscribed in my presence,

Date

August 31, 2004

at

Boston, Massachusetts
City and State

LAWRENCE P. COHEN
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Vance Ely, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Office of the Inspector General, Office of Investigations, Boston Field Office since May 1997. My duties include investigating violations of Title 42 and Title 18 of the United States Code. During the period of my employment, I have conducted numerous investigations of Social Security fraud and other criminal violations. I was previously employed by the United States Department of Justice, Immigration & Naturalization Service, as an Immigration Inspector for 4 $\frac{1}{2}$ years. I also hold a Bachelor of Science degree from Westfield State College.

2. SSA is an agency within the Executive Branch of the United States government responsible for approving applications for Social Security Numbers and issuing Social Security Number Cards to eligible applicants, as well as managing and administering retirement, disability, survivor benefits, and Supplemental Security Income programs to our nation's eligible beneficiaries.

3. The Social Security Act (42 U.S.C. 301 et seq.) was enacted in 1935 to provide for the general welfare by establishing a system of Federal Benefits. The Social Security Number ("SSN"), a nine digit number, was devised as a means to keep track of the earnings of individuals who work under covered employment. Along with the SSN, the Social Security Number Card ("SSNC") was created. SSNCs are issued with or without employment restrictions depending upon the eligibility of the individual making application. The Social Security Number Card bears a Social Security Number; shows the name of the person whose record is identified by that SSN; and contains a space for the person's signature.

4. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, and information provided by others. This affidavit does not contain all information received during the course of the investigation but contains those facts that I believe are necessary and sufficient to establish probable cause for the issuance of the requested criminal complaint charging Sandro Chapa-Cabrera with social security account number fraud in violation of 42 U.S.C. Section 408(a)(7)(A)¹.

¹42 U.S.C. §408(a)(7)(A) reads in pertinent part:
Whoever- ...for the purpose of obtaining anything of value from any person, or for any other purpose-(A) willfully, knowingly, and with intent to deceive, uses a social security account number, assigned by the Commissioner of Social Security (in the

5. Sandro Chapa-Cabrera is a native and citizen of Ecuador and, according to records maintained by Immigration and Customs Enforcement, the defendant is not present legally in the United States.

6. As an alien illegally present in the United States, the Defendant is not entitled to receive a Social Security Account number card.

7. On November 23, 2001, Defendant applied for a social security account number card. Defendant falsely represented on the application, known as an SS-5, that he is a legal alien allowed to work, knowing that, in truth and in fact, Defendant was not.²

8. As a result of providing false information, Defendant received social security account number 033-84-5203.

exercise of the Commissioner's authority under section 405(c) (2) of this title to establish and maintain records) on the basis of false information furnished to the Commissioner of Social Security by him or by any other person [shall be guilty of a crime.]

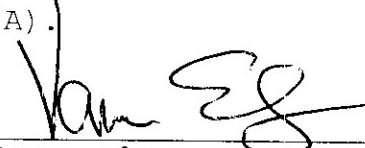
²Defendant's SS-5 application was processed by former SSA employee Jesse Rocha. On September 8, 2003, Jesse Rocha pled guilty to conspiracy to commit fraud in connection with identification documents in violation of 18 U.S.C. §1028(f); conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371; conspiracy to launder monetary instruments in violation of 18 U.S.C. §1956(h) and fraud and misuse of documents in violation of 18 U.S.C. §1546(a). During his plea colloquy, Rocha admitted to processing and approving over 1700 applications for SSNCs for illegal aliens during the period from April of 2000 until December of 2002. See Ind. 02-10405-GAO.

9. The Massachusetts Registry of Motor Vehicles ("RMV") requires that an individual applying for a driver's license present proof of identification such as a valid social security account number.

10. On May 14, 2002, Sandro Chapa-Cabrera applied for a Massachusetts driver's license at Worcester, Massachusetts. On the application, Sandro Chapa-Cabrera used the SSN he fraudulently obtained by providing the SSN to the RMV. As a result, a Massachusetts driver's license was issued to Sandro Chapa-Cabrera.

Based upon the foregoing information, I believe there is probable cause to believe that on May 14, 2002, Sandro Chapa-Cabrera did willfully, knowingly, and with intent to deceive, use a Social security account number, assigned by the Commissioner of Social Security on the basis of the false information furnished to the Commissioner of Social Security by the defendant and other persons on the defendant's behalf, to apply for and to obtain a

Massachusetts driver's license in violation of Title 42, United States Code, Section 408(a)(7)(A).



Vance Ely
Special Agent
United States Social Security
Administration
Office of Inspector General

Subscribed and sworn to before me this ____ day of August 31, 2004



LAWRENCE P. COHEN
UNITED STATES MAGISTRATE JUDGE

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: MA Category No. II Investigating Agency ICECity Worcester**Related Case Information:**County Worcester

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Sandro Chapa-Cabrera

Juvenile

 Yes No

Alias Name _____

Address 37 Pemberton Street, #3, Worcester, MABirth date (Year only): 1974 SSN (last 4 #): _____ Sex M Race: H Nationality: Ecuador

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA John M. Hodgens, Jr., AUSA Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: SpanishMatter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: _____ Signature of AUSA: _____

AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

v.
SANDRO CHAPA-CABRERA

WARRANT FOR ARREST

CASE NUMBER:

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

SANDRO CHAPA-CABRERA
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court Violation Notice Probation Violation Petition

charging him or her with (brief description of offense)

Social Security Account Number fraud

in violation of

Title

42

United States Code, Section(s) 408(a)(7)(B)

Lawrence P. Cohen
Name of Issuing Officer

United States Magistrate Judge
Title of Issuing Officer

Signature of Issuing Officer

Boston, Massachusetts
Date and Location

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST